

## REMARKS

This paper is presented in response to the official action mailed November 2, 2007. Claims 5-21, 24, 27, 29, and 30 were pending. Claims 5, 12, 18, 24, and 27 are amended. Support for the amendments to claims 5, 12, 18, 24, and 27 may be found in the specification and claims as originally filed. For example, support may be found at least in Figs. 5 and 6. No new matter is added. As a result, claims 5-21, 24, 27, 29, and 30 remain pending and at issue.

### 35 U.S.C. § 103 Rejections

#### Claims 5, 6, and 12-21

The applicants respectfully traverse the rejection of claims 5, 6, and 12-21 as allegedly obvious over U.S. Patent No. 2,177,071 to Klein et al. (“Klein”) in view of U.S. Patent No. 498,283 to Miller (“Miller”) and U.S. Patent No. 2,888,932 to Freiberg (“Freiberg”). “All words in a claim must be considered in judging the patentability of the claim against the prior art.” M.P.E.P. § 2143. The cited art fails to disclose or suggest all claim limitations. In particular, each of claims 5, 6, and 12-21 recites a vane including a tab and a tongue, each extending in a direction away from a second end of the vane, “the tab extending farther from the second end than the tongue.” The cited art fails to disclose or suggest a tab that extends farther than a tongue.

As conceded in the official action, neither Klein nor Miller disclose or suggest tongues of any sort. *See* the official action, pages 2 and 3. However, the official action relies on Freiberg for a disclosure of tongues.

While Freiberg discloses a strip assembly including a record card 10 having hook-shaped tabs 14, 16, tongues 18, and portions of the card 26, 28, 29 (identified in the official action as the claimed tongues), the portions 26, 28, and 29 are “in alignment with the hook-shaped tabs.” *See* Freiberg col. 2, lines 16-18 and Fig. 1. Thus, Freiberg not only fails to disclose or suggest a tab that extends farther than a tongue, as is recited by each of claims 5, 6, and 12-21, Freiberg explicitly teaches that the tabs 14, 16 and portions 26, 28, 29 (the alleged tongues) are *aligned*.

Because Klein, Miller and Freiberg fail to disclose or suggest a tab that extends farther than a tongue, as is recited by each of claims 5, 6, and 12-21 as amended, none of claims 5, 6, and 12-21 can be rendered obvious by any combination thereof. The applicants respectfully request withdrawal of the rejection of claims 5, 6, and 12-21.

There are particular advantages to providing a file organizer with a tab that extends farther than a tongue. While the tongue resists rotation of the vane 14 in a direction away from the plate 12 (*See* Fig. 4), the tongue does not immediately contact the plate during rotation, because the tabs are longer than the tongue. Thus, the vane 14 rotates a small distance before the tongue contacts the plate. This small amount of rotation opens a space for a user to insert a file between the vane 14 and the plate 12 for storage.

Claims 7-11, 24, 27, 29, and 30

The applicants respectfully traverse the rejection of claims 7-11, 24, 27, 29, and 30 as allegedly obvious over Klein in view of one or more of Miller and U.S. Patent No. 2,149,489 to Ainsworth (“Ainsworth”). Each of claims 7-11, 24, 27, 29, and 30 recites a desktop filing organizer comprising a catch comprising “notches disposed in an inner edge of [an] opening.” Neither Klein nor Miller disclose or suggest a catch comprising notches disposed in an inner edge of an opening.

The official action concedes that Klein fails to disclose or suggest a catch of any sort. However, the official action relies on Miller as disclosing a catch.

While Miller discloses a filing cabinet including a bottom board or support 7 having recesses 8 and a cord 12 secured to the support 7 and passed through the recesses 8, the recesses 8 are not disposed in an opening of any sort. Rather, the recesses are disposed in “one end of the support 7.” *See* Miller lines 47-48. Thus, Miller fails to disclose or suggest “notches disposed in an inner edge of an opening,” as is recited by each of claims 7-11, 24, 27, 29, and 30.

Ainsworth also fails to disclose or suggest notches disposed in an inner edge of an opening, nor was Ainsworth cited as disclosing such an element. Rather, Ainsworth discloses a photo album that includes a hinged cover having a plurality of sheets 13 pasted to a hinged cover. The sheets 13 of the Ainsworth device are held in place by an elastic band 16 that is “connected to anchor studs 17.” *See* Ainsworth, col. 2, lines 16-17. Ainsworth fails to

disclose or suggest a catch of any sort that comprises notches, let alone notches disposed in an opening, as is recited by each of claims 7-11, 24, 27, 29, and 30.

Because Klein, Miller and Ainsworth all fail to disclose or suggest notches disposed in an inner edge of an opening, none of claims 7-11, 24, 27, 29, and 30 can be rendered obvious by any combination thereof. The applicants respectfully request withdrawal of the rejection of claims 7-11, 24, 27, 29, and 30.

Each of claims 7-11, 24, 27, 29, and 30 advantageously recites a catch comprising notches in an inner surface of an opening. A restraining band is secured in the notches when holding files in the claimed desktop filing system. As seen in Fig. 1, when the restraining band is secured in the notches, the restraining bands are protected from damage from the outer portion of the handle. In other words, the handle itself shields the restraining bands thus extending the useful life of the restraining bands and preventing premature fraying or failure.

### **CONCLUSION**

In view of this above amendments and remarks, the applicants submit the pending application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite prosecution of the subject application, the Examiner is invited to call the undersigned agent.

No fee is believed due at this time. If any fee is due, please charge our Deposit Account No. 13-2855, under Order No. 29618/EL013, from which the undersigned is authorized to draw.

Respectfully submitted,

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